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Attorney for Frederick Schultz

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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Frederick Schultz,  
Plaintiff,

v.

**CIVIL ACTION NUMBER:**

Marina District Development  
Corporation, LLC, Marina District  
Development Holding, Co, LLC,  
Borgata Hotel Casino & Spa,  
Boyd Gaming Corporation, MGM Resorts  
International Corporation, John  
Doe Nos. 1-5, (fictitious  
named defendants), and ABC Corp.  
Nos. 1-5 (fictitious named defendants),  
Defendants.

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**COMPLAINT, JURY DEMAND**

Plaintiff Frederick Schultz, residing at 1663 East 53<sup>rd</sup>  
Street, Brooklyn, State of New York, by way of Complaint against  
Defendants Marina District Development Corporation, LLC, (a New  
Jersey Corporation), Borgata Hotel Casino & Spa (a New Jersey  
Corporation or a trade name for a New Jersey Corporation), Marina  
District Development Holding, Co., LLC (a New Jersey Corporation)

Boyd Gaming Corporation (a Nevada Corporation), MGM Resorts International Corporation (a Delaware Corporation), and John Doe Nos. 1-5 (fictitious names, as the true identity of these Defendants is not yet known) and ABC Corp. Nos. 1-5 (fictitious names, as the true identity of these Defendants is not yet known), says:

**JURISDICTION & VENUE**

1. Jurisdiction is proper by way of diversity. Plaintiff is citizen of the State of New York and the Defendants are citizens of the States of New Jersey, Nevada and Delaware.
2. In addition, the amount in controversy for Plaintiff exceeds \$75,000.00 exclusive of interest or costs and therefore jurisdiction is further proper pursuant to 28 U.S.C. 1332(b).
3. Defendant MGM Resorts International's registered agent is located in Mercer County, New Jersey. Additionally, all of the corporate defendants conduct business throughout the State of New Jersey, including Essex County, New Jersey. Plaintiff seeks this case to be venued in Newark.

**FIRST COUNT**

1. On or about July 17, 2009, Frederick Schultz, was a patron

at the Borgata Hotel Casino & Spa (sometimes hereinafter referred to as the "Borgata") located at or about One Borgata Way, Atlantic City, New Jersey. Said Casino and Hotel was owned by any or all of the following Defendants: Marina District Development Corporation, LLC, Marina District Development Holding, Co, LLC, Boyd Gaming Corporation, MGM Resorts International Corporation or ABC Corp. No. 1.

2. On or about July 17, 2009, Plaintiff was participating in a poker tournament at the Borgata Hotel.

3. On or about July 17, 2009, while Plaintiff was sitting at the table playing poker, employees or agents of the Borgata Hotel, Casino & Spa, Marina District Development Corporation, LLC, Marina District Development Corporation Holding Co., LLC, Boyd Gaming Corporation, MGM Resorts International Corporation or ABC Corp. No. 1. were physically transporting a large sign, stand or metal/steel placard through the casino.

4. The names of the persons transporting the sign or otherwise supervising the same is unknown to Plaintiff, so they are referred to herein as John Doe No. 1, John Doe No. 2 and John Doe No. 3.

5. At or about the same time, place and location, the persons transporting the sign, stand or metal/steel placard dropped the sign, stand or metal/steel placard or otherwise negligently handled the same and struck plaintiff in the head with the sign, stand or metal/steel placard.

6. Plaintiff was significantly injured as a result of being struck with the object at that time.

7. On or about July 17, 2009, Borgata Hotel, Casino & Spa, Marina District Development Corporation, LLC, Marina District Development Corporation Holding Co., LLC, Boyd Gaming Corporation, MGM Resorts International Corporation or ABC Corp. No. 1. negligently maintained or operated their casino, to wit, they allowed one of their employees or agents to drop said device on Plaintiff injuring him.

8. As a proximate result of the aforesaid Defendants negligence, Plaintiff sustained injury to his body, incurred medical bills, and was otherwise harmed.

**WHEREFORE,** Plaintiff Frederick Schultz demands judgment against Defendants Borgata Hotel, Casino & Spa, Marina District Development Corporation, LLC, Marina District Development Corporation Holding Co., LLC, Boyd Gaming Corporation, MGM Resorts International Corporation, ABC Corp. No. 1., John Doe Nos. 1-5, ABC Corp. Nos. 2-5 for compensatory damages, interest, attorney's fees, costs of suits and for all other relief that the Court may deem warranted.

**JURY DEMAND**

Plaintiff Frederick Schultz demands a trial by jury on all issues so triable.

Dated: 5/16/11

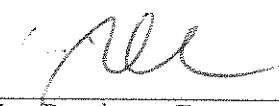
  
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John M. Burke, Esq.

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2600 Kennedy Blvd.  
Jersey City, New Jersey 07306  
(201) 200-0300

**CERTIFICATION**

I am not aware of any other case arising out of the facts stated herein or any other matter which may be brought as a result of the facts stated.

Dated: 5/16/11

  
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John M. Burke, Esq.

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Frederick Schultz

(b) County of Residence of First Listed Plaintiff Kings County, NY

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Koles, Burke & Bustillo, LLP  
2600 Kennedy Boulevard  
Suite 1K  
Jersey City, NJ 07306

**DEFENDANTS**

Marina District Development Corp., LLC

County of Residence of First Listed Defendant Atlantic

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                |  |                                |   |
|---|---------------------------------------|--------------------------------|--|--------------------------------|---|
| Citizen of This State                   | PTF <input type="checkbox"/> 1        | DEF <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2     | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5                |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3     | Foreign Nation   | <input type="checkbox"/> 6     | <input type="checkbox"/> 6                |

**IV. NATURE OF SUIT**

(Place an "X" in One Box Only)

| CONTRACT   | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES  |  |
|--|---|--|--|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input checked="" type="checkbox"/> 360 Other Personal Injury | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights  | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>Habeas Corpus:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition   |  |   |  |

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332(b)

Brief description of cause:  
 action for personal injuries sustained when workers dropped a sign on Plaintiff

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD